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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,594	12/05/2005	Menny Sherman	P-7258-US	9148

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EXAMINER	
TIEU, BINH KIEN	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/559,594	SHERMAN, MENNY	
	Examiner	Art Unit	
	/BINH K. TIEU/	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/07/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 3-5, 7-8, 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al. (US. Pat. #: US 6,385,297) in view of Posthuma (US. Pat. #: 6,496,566).

Regarding claim 1, Faulkner et al. (Hereinafter, "Faulkner") teaches a method comprising:

electrically connecting a first terminal of a measurement device to both wires of a twisted wire pair of a telephone line, (i.e., in figure 2, voltage source 30 of measurement unit 18

comprises two terminals, one of them connected to the pair of wires T and R through resistors R1 and R1, col.8, lines 65-66);

electrically connecting a second terminal of said measurement device to a common reference (i.e., the other terminal of the voltage source of the measurement unit 18 is connected to ground potential, see col.8, lines 63-64); and

performing an impairment line testing on said telephone line from said measurement device toward said subscriber (col.8, line 67 through col.9, line 64).

It should be noticed that Faulkner fails to clearly teach the feature of said telephone line which interconnects a telephone card with a subscriber. However, Posthuma teaches such feature in figure 1, note col.1, lines 38-51 for a purpose of testing of a subscriber loop for both voice and DSL services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of said telephone line which interconnects a telephone card with a subscriber, as taught by Posthuma, into view of Faulkner in order to provide telecommunication services such as routing both data and voice services to subscriber.

Regarding claim 3, Faulkner further teaches one terminal of the voltage source 30, as shown in figure 2, being connected to a common ground (col.8, lines 63-64).

Regarding claim 4, Faulkner further teaches limitations of the claim in col.12, lines 6-15.

Regarding claim 5, Faulkner further teaches limitations of the claim in col.7, lines 2-3.

Regarding claim 7, Faulkner teaches a method comprising:

automatically and sequentially performing an impairing line testing on a plurality of telephone lines, at least a portion of said telephone lines are active phone line (see col.11, line 48 through col.13, line 14).

It should be noticed that Faulkner fails to clearly teach the feature of testing said telephone line without disconnecting said active telephone lines from their respective telephone line cards. However, Posthuma teaches such feature in figure 1, note col.1, line 57 through col.2, line 14 for a purpose of testing of a subscriber loop for both voice and DSL services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of testing said telephone line without disconnecting said active telephone lines from their respective telephone line cards, as taught by Posthuma, into view of Faulkner in order to provide telecommunication services such as routing both data and voice services to subscriber.

Regarding claim 8, note col.7, lines 2-3.

Regarding claim 11, Faulkner further teaches limitations of the claim in figure 2, note col.8, line 63 through col.9, line 64.

Regarding claim 13, note one terminal of the voltage source 30, as shown in figure 2, being connected to a common ground (col.8, lines 63-64).

Regarding claim 14, Faulkner further teaches limitations of the claim in col.12, lines 6-15.

Regarding claim 15, the same procedure for testing the active telephone lines as discussed above to be obviously applied in a manner for testing a spare telephone line.

3. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al. (US. Pat. #: US 6,385,297) in view of Posthuma (US. Pat. #: 6,496,566) as applied to claim 1 above, and further in view of Charland (US. Pat. #: 5,550,894).

Regarding claims 2 and 12, Faulkner and Posthuma, in combination, teaches all subject matters as claimed above, except for the feature of electrically connecting said terminal of a measurement unit comprising short-circuiting between said devices. However, Charland teaches a measurement device as shown figure 2 comprising a plurality of switches wherein a switch 42 is configured as a short switch connected across the tip and ring conductor of the telephone (see col.9, lines 35-36) for a purpose of testing the subscriber line for a short circuit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of electrically connecting said terminal of a measurement unit comprising short-circuiting between said device, as taught by Charland, into view of Faulkner and Posthuma in order to testing the subscriber line for a short circuit.

4. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al. (US. Pat. #: US 6,385,297) in view of Posthuma (US. Pat. #: 6,496,566) as applied to claim 1 above, and further in view of Schneider (US. Pat. #: 6,215,855).

Regarding claims 6 and 9, Faulkner and Posthuma, in combination, teaches all subject matters as claimed above, except for the feature of connecting the measurement device to the twisted wire pair through a main distribution frame. However, Schneider teaches a system and a method for measuring and certifying a subscriber telephone loop for xDSL services as shown in figure 3. Schneider further teaches that a central office test device, such as Test (CO) 165 is

connected to subscriber via the MDF 101 (see col.12, lines 44-57) for a purpose of testing and certifying a subscriber telephone line for xDSL services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of connecting the measurement device to the twisted wire pair through a main distribution frame, as taught by Schneider, into view of Faulkner and Posthuma in order to test and certify a subscriber telephone line for xDSL services.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al. (US. Pat. #: US 6,385,297) in view of Posthuma (US. Pat. #: 6,496,566) as applied to claim 7 above, and further in view of Posthuma (US. Pat. #: 6,456,694).

Regarding claim 10, Faulkner and Posthuma '566, in combination, teaches all subject matters as claimed above, except for the feature of performing said line testing on one of said active lines when said active line is carrying telephone signals. However, Posthuma '694 teaches such features in col.5, lines 38-58 for a purpose of determining the high speed service capabilities of the line.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of performing said line testing on one of said active lines when said active line is carrying telephone signals, as taught by Posthuma '694, into view of Faulkner and Posthuma '566 in order to determine the high speed service capabilities of the line.

6. Claims 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al. (US. Pat. #: US 6,385,297) in view of Posthuma (US. Pat. #: 6,456,694).

Regarding claim 16, Faulkner teaches a test control system comprising measurement units 18 connecting to switch 12, as shown in figure 1. The measurement units 18 are adapted to test subscriber twisted pairs connected to the switch 12 either on demand, or automatically, from a preprogrammed list of lines. Each of the measurement units 18 has access to every subscriber through the switch 12. The unit 18 gains access to test a subscribers loop through a switched test bus. Thus the switched test bus read on a line selector unit connectable to the twisted wire pairs of telephone lines able to select one of said wire pairs for an impairment line testing (see col.6, lines 6-24). Faulkner further teaches in figure 2 the configuration of the measurement units 18 comprising a voltage source 30 of measurement unit 18 having two terminals, one of them connected to the pair of wires T and R through resistors R1 and R1, col.8, lines 65-66); and the other terminal of the voltage source of the measurement unit 18 is connected to ground potential, see col.8, lines 63-64).

It should be noticed that Faulkner fails to clearly teach a line status detector to identify the status of said telephone lines and as an active telephone line. However, Posthuma '694 teaches such features in col.5, lines 38-58 for a purpose of determining the high speed service capabilities of the line.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of performing said line testing on one of said active lines when said active line is carrying telephone signals, as taught by Posthuma '694,

into view of Faulkner and Posthuma '566 in order to determine the high speed service capabilities of the line.

Regarding claim 18, Faulkner further teaches one terminal of the voltage source 30, as shown in figure 2, being connected to a common ground (col.8, lines 63-64).

Regarding claim 19, Faulkner further teaches limitations of the claim in col.12, lines 6-15.

Regarding claim 20, Faulkner further teaches the controller 16 and other limitations of the claim in col.9, lines 25-64...

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al. (US. Pat. #: US 6,385,297) in view of Posthuma (US. Pat. #: 6,456,694) as applied to claim 1 above, and further in view of Charland (US. Pat. #: 5,550,894).

Regarding claim 17, Faulkner and Posthuma '694, in combination, teaches all subject matters as claimed above, except for the feature of electrically connecting said terminal of a measurement unit comprising short-circuiting between said devices. However, Charland teaches a measurement device as shown figure 2 comprising a plurality of switches wherein a switch 42 is configured as a short switch connected across the tip and ring conductor of the telephone (see col.9, lines 35-36) for a purpose of testing the subscriber line for a short circuit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of electrically connecting said terminal of a measurement unit comprising short-circuiting between said device, as taught by Charland, into view of Faulkner and Posthuma in order to testing the subscriber line for a short circuit.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al. (US. Pat. #: US 6,385,297) in view of Posthuma (US. Pat. #: 6,456,694) as applied to claim 16 above, and further in view of Posthuma (US. Pat. #: 6,496,566).

Regarding claim 21, Faulkner and Posthuma '694, in combination, teaches all subject matters as claimed above, except for the feature of said configuration unit comprising a splitter, said splitter is able to prevent signals having a frequency below a predetermined threshold to be transmitted from said measurement unit to said selected telephone line. However, Posthuma '566 teaches a splitter, such as splitter 24 shown in figure 1, see col.1, line 57 through col.2, line 2 for a purpose of filtering unwanted characteristics fro the subscriber loops.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of said configuration unit comprising a splitter, said splitter is able to prevent signals having a frequency below a predetermined threshold to be transmitted from said measurement unit to said selected telephone line, as taught by Posthuma '566, into view of Faulkner and Posthuma '694 in order to filter unwanted characteristics fro the subscriber loops.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al. (US. Pat. #: US 6,385,297) in view of Posthuma (US. Pat. #: 6,456,694) as applied to claim 16 above, and further in view of Mohajeri et al. (US. Pat. #: 6,850,618)

Regarding claim 22, Faulkner and Posthuma '694, in combination, teaches subject matters above, except for the feature of said splitter being able to provide substantially low impedance emulating a short-circuit between said first wire and second wire at frequencies above

said predetermined threshold. However, Mohajeri et al. ("Mohajeri") teaches such features in col.2, line 59 through 3, line 9 for a purpose of testing subscriber telephone lines for either short circuit or open circuit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of a splitter being able to provide substantially low impedance emulating a short-circuit between said first wire and second wire at frequencies above said predetermined threshold, as taught by Mohajeri, into view of Faulkner and Posthuma '694 in order to test subscriber telephone lines for either short circuit or open circuit.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES**.

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/**BINH K. TIEU**/
Primary Examiner
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Date: February 2008